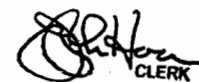


FILED

JUL 26 2016


CLERKUNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

STEVEN HOFER,

Plaintiff,

vs.

UNITED FINANCIAL CASUALTY
COMPANY d/b/a PROGRESSIVE
NORTHERN INSURANCE COMPANY,

Defendant.

CIV. #15-4181- KES

ORDER

Plaintiff, Steven Hofer, alleges claims against Defendant, United Financial Casualty Company (United), for uninsured motorist (UM) benefits and bad faith. Hofer filed a motion to compel discovery responses against United. Docket 13. The parties briefed the motion, and the court determined that further argument was necessary and held a telephonic hearing on July 21, 2016. After reviewing the briefs submitted by the parties and hearing the arguments of counsel, it is

ORDERED that Plaintiff's Motion to Compel is granted in part and denied in part as follows:

1. Granted with regard to interrogatory number 19 of Plaintiff's first set of discovery requests concerning Dr. Nolan Segal conducting medical examinations for United. No time limitation is imposed on this request.

2. Granted in part with regard to interrogatory number 5 of Plaintiff's second set of discovery requests concerning Dr. Nolan Segal conducting medical examinations for "Progressive" or Progressive Northern Insurance Company. United must fully respond to

this interrogatory and provide the requested information on behalf of Progressive Casualty Company and any affiliated companies as well as Progressive Northern Insurance. This request is limited to the time period from February 24, 2006 to the present.

3. Granted in part with regard to interrogatory number 6 of Plaintiff's second set of discovery requests concerning Dr. Segal, Dr. Cederberg and Dr. Nipper conducting medical examinations for United, "Progressive" or Progressive Northern Insurance Company. United must fully respond to this interrogatory and provide the requested information on behalf of Progressive Casualty Company and any affiliated companies as well as Progressive Northern Insurance. This request is limited to the time period from February 24, 2006 to the present.

4. Granted in part with regard to request for production number 17 of Plaintiff's first set of discovery requests concerning personnel files. Upon the court's entry of a protective order, United must produce redacted personnel files of Terry Diggins, Billie Stout, Kasey Aanenson, Laura Sylliaasen, Terry Bauder, Eric Schrank, Loren Sedevie, and Linda Woodward. United may redact all personal identifiers including address, phone numbers, and social security numbers. United may also redact health insurance information, benefits of employee's families and beneficiaries of life insurance policies. This request is limited to the time period from January 19, 2006 to the present. If Hofer believes that there is evidence contained within a personnel file to establish that relevant evidence may exist outside the ten-year time limitation imposed by the court, Hofer can make a motion to broaden the scope of this Order.

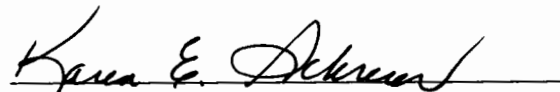
5. United will produce the single discipline record of the employee it claims to be embarrassing to the court for an in camera inspection on or before August 15, 2016. The court will then review the record and determine whether it will be provided to Hofer.

6. United will complete the discovery obligations imposed in this Order on or before September 1, 2016.

7. Both parties can submit motion for attorney's fees and expenses incurred in connection with this motion pursuant to Fed. R. Civ. P. 37(a)(5) on or before August 15, 2016.

Dated this 26th day of July, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Karen E. Schreier", written over a horizontal line.

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE